

Marijuana Dispensary Application

QUESTIONS DUE BY: June 8, 2012

DUE DATE and TIME: June 22, 2012

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1. OVERVIEW:

- 1.1. **SCOPE AND BACKGROUND:** The Department of Public Safety is seeking to establish four (4) marijuana dispensaries throughout the state of Vermont.
- 1.2. **CONTRACT PERIOD:** Dispensaries awarded from this application process will be for a period of **12 months** with an option to renew for additional 12 month periods.
- 1.3. **SINGLE POINT OF CONTACT:** All communications concerning this application process are to be addressed in writing to the attention of: Jeffrey Wallin, Director, Vermont Criminal Information Center, Department of Public Safety, 103 South Main Street, Waterbury, VT 05671. Actual contact with any other party or attempts by applicants to contact any other party could result in the rejection of their proposal.
- 1.4. **QUESTION AND ANSWER PERIOD:** Any applicant requiring clarification of any section of this application must submit specific questions in writing no later than June 8, 2012. Questions may be e-mailed to jwallin@dps.state.vt.us. Every effort will be made to have these available as soon after the question period ends, contingent on the number and complexity of the questions.

2. DETAILED REQUIREMENTS:

Each application shall address all criteria and measures, even when no point values are assigned. Failure to address all of the criteria and measures will result in the application being considered non-responsive and not accepted for review. Each applicant should know that municipalities have the authority to prohibit the establishment of a dispensary and may regulate the time, place and manner of dispensary operation through zoning and local ordinances. Also applicants should be aware that if a dispensary is in compliance with the state laws governing the creation of marijuana dispensary's and the rules adopted by the Department they are exempted from certain state laws but are not exempted from federal law.

Criterion 1

Submission of Required Information Regarding Applicant and Facility (up to 25 points)

Measure 1

The applicant shall provide the legal name of the corporation, a copy of the articles of incorporation and by-laws of the corporation. [no points assigned]

Measure 2

The applicant shall provide the proposed physical address(s) of the dispensary and any second location associated with the dispensary where marijuana is cultivated, if a precise address has been determined. [no points assigned]

- For each proposed physical address, provide legally binding evidence of site control sufficient to enable the applicant to use and possess the subject property.
- If the applicant indicated that a precise address has not been determined, the applicant has at least identified the general location(s) where the facilities will be sited, and when.

Measure 3

The applicant shall provide evidence of compliance with local codes and ordinances for each physical address which will be used for dispensing and growing marijuana under the VMP, and that neither location is within one thousand (1,000) feet of a pre-existing public or private school boundary. [no points assigned]

Measure 4

The applicant shall describe the enclosed, locked facility that will be used in the growing and cultivation of marijuana, its security measures, as required in the rules, and whether it is visible from the street or other public areas. [up to 5 points]

Measure 5

The applicant shall provide the name, address and date of birth of each principal officer and board member of the dispensary, along with a photocopy of their Vermont driver's license or other state-issued identification card. [no points assigned]

Measure 6

The applicant shall provide a list of all persons or business entities having direct or indirect authority over the management or policies of the dispensary, and a list of all persons or business entities having 5% or more ownership in the dispensary, whether or not the interest is in the land or buildings, including owners of any business entity which owns all or part of the land or building. [no points assigned]

Measure 7

The applicant shall provide the identity of any creditor holding a security interest in the premises, if any. [no points assigned]

Measure 8

The application shall include a signed cover letter, and the completed application form supplied by the department. [no points assigned]

Measure 9

The applicant shall describe how the dispensary will operate on a long-term basis as a non-profit organization and a business plan that includes, at a minimum, the following: [up to 20 points]

- A detailed description about the amount and source of the equity and debt commitment for the proposed dispensary that demonstrates the immediate and long-term financial feasibility of the proposed financing plan, the relative availability of funds for capital and operating needs; and the financial capability to undertake the project.
- A copy of any proposed policy regarding services to registered patients who cannot afford to purchase marijuana for therapeutic purposes.
- Projected income statements for the first three (3) years after implementation.

Criterion 2

Overall Health Needs of Registered Patients and Safety of the Public [up to 75 points]

Measure 1

The applicant demonstrates their proposed location will be convenient for registered patients and caregivers and have attached comments, if any, from registered patients and caregivers concerning the location. [up to 10 points]

Measure 2

The applicant demonstrates a steady supply of marijuana for therapeutic use will be available to the projected number of registered patients. [up to 10 points]

- There is a start-up timetable which provides an estimated time from registration of the dispensary to full operation, and the assumptions used for the basis of those estimates.
- The applicant shall demonstrate that steps will be taken to ensure the quality of the marijuana, including purity and consistency of dose.
- The applicant discloses the various strains of marijuana the dispensary plans to dispense, and the form(s) in which marijuana will be dispensed. This information can be supplemented any time after registration if the dispensary adds new strains or forms in which marijuana is dispensed.

Measure 3

The applicant demonstrates its board members have experience running a non-profit organization or other business. [up to 10 points]

Measure 4

The applicant demonstrates that its plan for record keeping, inventory, quality control and security and other policies and procedures will discourage unlawful activity. The applicant shall include at least one security alarm system for each location and planned measures to deter and prevent the unauthorized entrance into areas containing marijuana and the theft of marijuana.[up to 20 points]

Measure 5

The applicant fully describes a staffing plan that will provide accessible business hours, safe growing and cultivation, and maintenance of confidential information regarding grow sites and the identity of patient information. [up to 20 points]

Measure 6

The application indicates consent to pay for state and federal background checks for all proposed and future registry card holders who are dispensary principal officers, board members, or employees. [no points assigned]

Measure 7

The application reflects a strong patient education component. [up to 5 points]

3. GENERAL REQUIREMENTS:

Final agency action. The award decision shall be made in writing to the successful applicants. The department may deny an application for a dispensary if it determines that an applicant's criminal history record indicates that the person's association with a dispensary would pose a demonstrable threat to public safety. Written notice of denial of an application (non-selection) is considered final department action.

Application review. The application review process shall include the applications and any attached supporting documents, any other documents relied upon by members of the scoring panel in its decision.

4. SUBMISSION INSTRUCTIONS:

4.1. **CLOSING DATE:** The closing date for the receipt of proposals is **June 22, 2012 at 4:30 PM.**

4.2. **APPLICATION FEE:** A nonrefundable application fee in the amount of \$2,500.00 paid to the Department of Public Safety is required.

4.3. **SEALED APPLICATION INSTRUCTIONS:** All Applications must be sealed and must be addressed to the Vermont Criminal Information Center, Department of Public Safety, 103 South Main Street, Waterbury, VT 05671. APPLICATION ENVELOPES MUST BE CLEARLY MARKED 'Marijuana Dispensary Application'.

4.3.1. All applicants are hereby notified that sealed applications must be received and time stamped by the Department of Public Safety, 103 South Main Street, Waterbury, VT 05671 by the application closing date. Applications not in possession of the Department of Public Safety at the application closing date will be returned to the vendor, and will not be considered.

4.3.2. Department of Public Safety may, for cause, change the date and/or time of application closing date or issue an addendum. If a change is made, the State will make a reasonable effort to inform all applicants by posting at:

http://vcic.vermont.gov/marijuana_registry/marijuana_dispensaries

4.4. **DELIVERY METHODS:**

- 4.4.1.U.S. MAIL: Applications are cautioned that it is their responsibility to originate the mailing of applications in sufficient time to ensure applications are received and time stamped by the Department of Public Safety prior to the application closing date.
- 4.4.2.EXPRESS DELIVERY: If applications are being sent via an express delivery service, packages will not be considered received by the Department until the express delivery package has been received and time stamped by the Department of Public Safety.
- 4.4.3.HAND DELIVERY: Hand carried applications shall be delivered to a representative of the Department prior to the application closing date.
- 4.4.4.ELECTRONIC: Electronic applications will not be accepted.
- 4.4.5.FAX APPLICATIONS: FAXED responses MAY be acceptable. You must contact the Department and obtain prior approval. Applicants are cautioned that if a FAXED response is approved it is their responsibility to originate the message in sufficient time to insure receipt by the Department of Public Safety prior to the time of the application closing date. All pages must be printed and in the possession of the division prior to the application closing date or the application will not be considered. FAXED information is accessible when transmitted and confidentiality cannot be guaranteed. The Department reserves the right to reject a faxed application if it appears that the faxed application is incomplete or portions of the faxed application are illegible.